REMARKS

In the August 28, 2006 Office Action, the drawings and specification were objected to and claims 1-20 stand rejected in view of prior art.

Status of Claims and Amendments

In response to the August 28, 2006 Office Action, Applicant has amended claims 1, 4-7, 10-11 and 13-15, and added new claim 21 as indicated above. Thus, claims 1-18, 20 and 21 are pending, with claims 1, 14 and 20 being the only independent claims. Reexamination and reconsideration of the pending claims are respectfully requested in view of above amendments and the following comments.

Drawings

In paragraphs 1 and 2 of the Office Action, the drawings were objected to as failing to comply with 37 CFR §1.83(a). Specifically, the Office Action alleges that the hand operating means, the manual shift means, the shift position retaining means, the manual shift selecting means and the automatic transmission shift means recited in claims 19 and 20 are not shown in the drawings. Applicant respectfully asserts that the objection is in error, in part. Specifically, a person of ordinary skill in the art would readily recognize the following specific elements shown in the drawings and described in the specification as the "means" set forth in the claims:

The hand operating means is clearly shown in the Figure 17 and basically includes the handle portion 20b of the shift lever 20.

The manual shifting means is clearly shown in Figures 4, 5, 14 and 15 and basically includes the manual up-shift switch 26 and the manual down-shift switch 28 which are selectively engaged by the detent pin 42 of the shift lever 20.

The shift position retaining means is clearly shown in Figure 9 and basically includes the detent plate 66 and the detent spring 68 and related portions of the shift position retaining mechanism 32.

The manual shift selecting means is clearly shown in Figures 2-5 and 10-16 and basically includes the manual shift selector 38 and related structure.

The term "automatic transmission shift means" in claim 20 has been changed to "automatic transmission mode selecting means" and is clearly shown in Figures 14, 15 and 17 and basically includes the automatic transmission cable lever 24.

Applicant respectfully requests withdrawal of the objections.

Claim Objection and Rejections - 35 U.S.C. §112

In paragraph 3 of the Office Action, claim 10 was objected to. In response, Applicant has amended claim 10 to correct a typographical error.

Specifically, the word "move" has been deleted from claim 10.

In paragraph 4, 5 and 6 of the Office Action, claim 19 was rejected to under 35 U.S.C. §112, second paragraph. In response, Applicant has canceled claim 19.

Applicant believes that the claims now comply with 35 U.S.C. §112, second paragraph. Withdrawal of the objection to claim 10 is respectfully requested.

Correction Of Typographical Errors

In claims 4-7, 11 and 13-15, the term "automatic transmission shift plate" has been corrected to read "automatic transmission cable lever" to properly correspond to the cable lever 24 shown in Figures 2-7 and 10-17.

Rejections - 35 U.S.C. § 102

In paragraphs 7-20 of the Office Action, claims 1, 2, 7-11, 14, 15 and 17-20 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,568,294 B2

(Jezewski). Applicant has canceled claim 19. Applicant addresses the rejections on a claim by claim basis below beginning with claim 1.

Rejection of Claim 1

First, a brief review of specific features of Jezewski related to the rejection of claim 1.

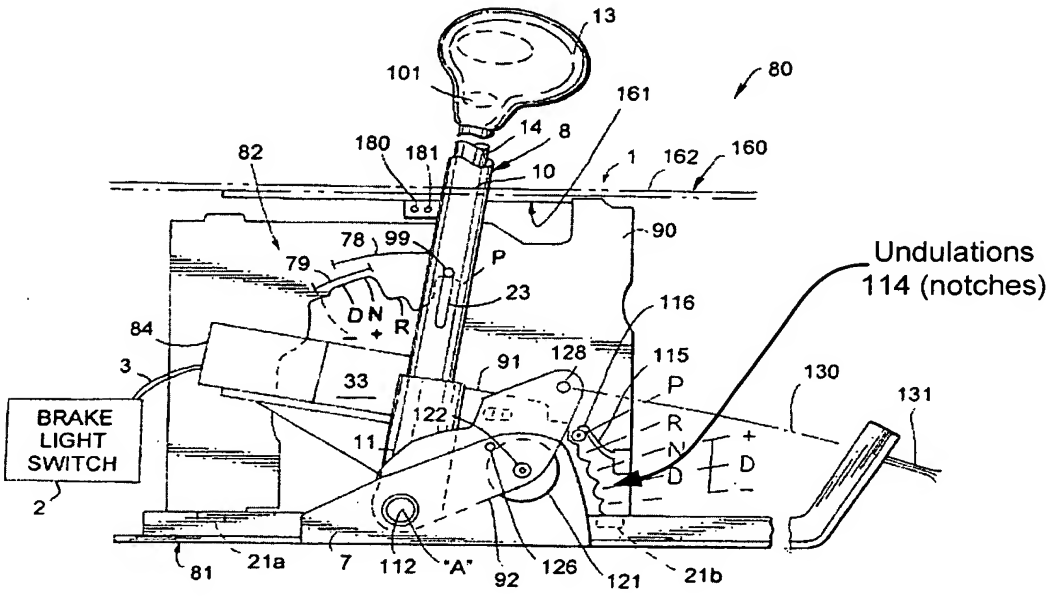

Figure 1 of Jezewski (US Pat. No. 6,568,294)

As is shown in Figure 1 of Jezewski (above), a pivoting lever section 91 includes a plurality of notches or undulations 114 that are contacted by a stationary spring biased feel positioner 115. The function of the stationary spring biased feel positioner 115 and the undulations 114 is to provide the lever section 91 with establish fixed locations corresponding to automatic transmission operation selections where the lever section 91 is spring biased to remain in one of the various fixed locations. These locations make it easier for a driver to control the automatic transmissions operations by "feel". As seen above in

Figure 1, there are five of the undulations 114 that help to define these locations. The undulations 114 are identified in Figure 1 as follows:

P (Park)
R (Reverse)
N (Neutral and for manual up-shifting)
D (Drive)
(-) (for manual downshifting)

As described at column 5, lines 4-26 of Jezewski, when operated for manual shifting, the positioner 115 engages the undulation N (neutral) when manually up-shifting. Also, the positioner 115 engages the undulation (-) when manually down-shifting. As is clearly shown in Figure 1 (and Figure 6) of Jezewski, the notches or undulations 114 are each separate and distinct. In Jezewski, the positioner 115 moves away from and out of the D notch when either manually up-shifting or manually down-shifting.

Now, a brief review of some of the features of the present invention recited in claim 1.

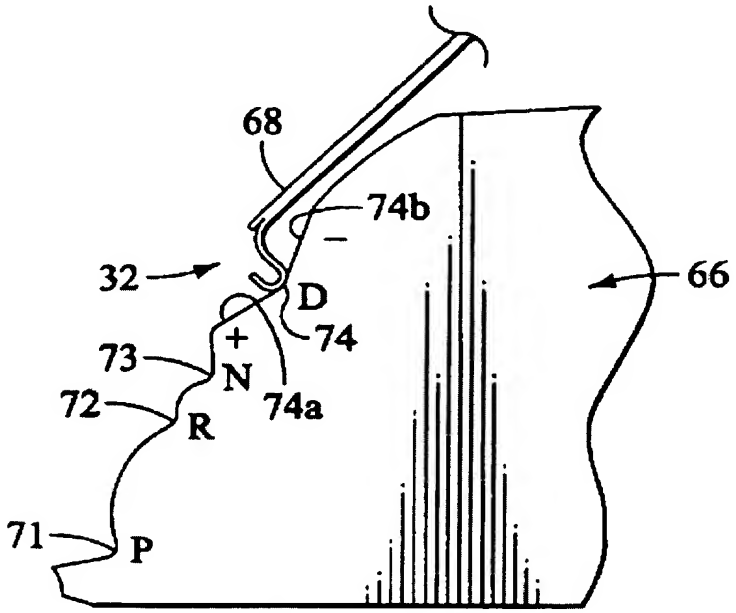

FIG. 8

FIGURE 8 OF THE INSTANT APPLICATION

The present invention also includes a location or positioning structure that defines discrete shifter locations. Specifically, as described in detail at paragraph [0039] of the instant application, a detent plate 66 includes a park position notch 71, a reverse position notch 72, a neutral position notch 73 and a drive position notch 74. The drive position notch 74 of the detent plate 66 includes an up-shift switch ramp surface 74a and a down-shift switch ramp surface 74b with a center neutral drive location formed by the meeting point between the up-shift and down-shift switch ramp surfaces 74a and 74b. A detent spring 68 engages each of the notches, depending upon the transmission mode selected, to bias the shifter lever 20 into the selected position notch.

Further, as is clearly shown above in Figure 8 of the instant application, the drive position notch 74 has an overall concave shape defined by the up-shift switch ramp surface 74a, the center neutral drive location and the down-shift switch ramp surface 74b. Also, the drive position notch 74 has an arcuate length that is significantly larger than either the reverse position notch 72 or the neutral position notch 73.

In response to the rejection of claim 1, Applicants have amended claim 1 to more clearly recite the combination of features of the present invention. Applicant respectfully requests reconsideration of the rejection in light of the claim amendments.

Specifically, claim 1 now clearly recites that the up-shift and down-shift switch ramp surfaces of the drive position notch is configured and arranged such that a manual up-shift switch is operated when the detent spring is moved along the up-shift switch ramp surface and the manual down-shift switch is operated when the detent spring is moved along the down-shift switch ramp surface, with the detent spring being configured to remain within the drive position notch during operation of the manual up-shift switch and the manual down-shift switch.

This structure is clearly absent from Jezewski. Rather, in Jezewski, the stationary spring biased feel positioner 115 moves completely out of the Drive notch of the plurality of undulations 114 when either up-shifting or downshifting.

For this reason and others, Applicant respectfully asserts that claim 1 clearly distinguishes the present invention over the prior art and is in condition for allowance.

Further dependent claims 2-13 are likewise in condition for allowance in that they depend from allowable claim 1. Dependent claims 2-13 are further allowable in that they include additional limitations.

Rejection of Claims 14 and 20

Applicant now addresses the rejection to claims 14 and 20. The rejection of claims 14 and 20 do not provide a prima facie case of anticipation because the characterization of Jezewski is clearly contradicted by the disclosure of Jezewski. Specifically, the characterizations of Jezewski in the last bullet paragraph on page 7 and again in the last bullet paragraph on pate 10 are not supported by the disclosure of Jezewski.

Specifically, the Office Action states of Jezewski that the "automatic transmission shift plate (93) [is] configured and arranged to be selectively engaged and disengaged by the detent pin (99) (engaged when moving, disengaged when in an operating position) such that the shift lever (10/13) moves with the automatic transmission shift plate (93) when the detent pin (99) is engaged with the automatic transmission shift plate (93) . . . ".

As stated at column 4 lines 52-63 of Jezewski, "the lever section 91 (Figure 6) includes a molded body 93, a post 94 secured to the molded body 93, and a handle 94 (Figure 2) secured atop the post 94." Jezewski goes shows clearly in Figure 1 that the pawl 99 (referred to as a "detent pin" in the Office Action) is retained within a slot 23 formed in the post 94. Since the post 94 is secured to the molded body 93, it is impossible for the pawl 99

to be engaged and then dis-engaged from the molded body 93. Further, since the pawl 99 is disposed and supported within the slot 23 of the post 94, and the post 94 and the molded body 93 are secured to one another, the molded body 93 always moves with the post 94 and hence always moves with the lever section 91.

Hence, the characterization of the Jezewski disclosure is in error, as is the rejection.

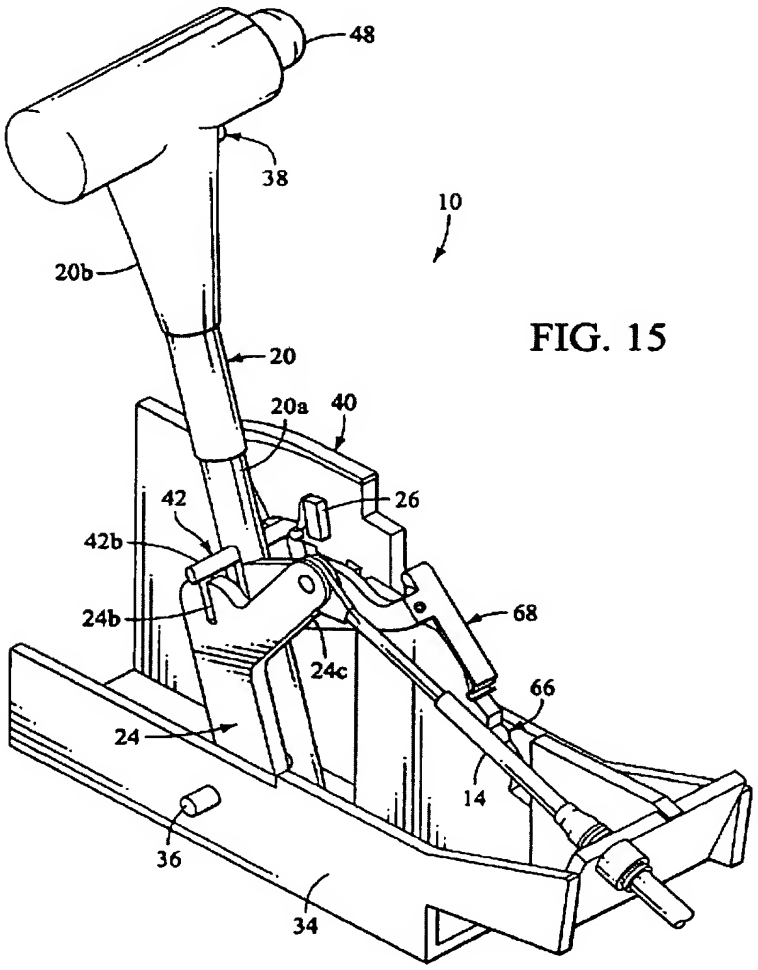

FIG. 15

FIGURE 15 OF THE INSTANT APPLICATION

With respect to claims 14 and 20, a brief review of related structure of the claimed invention is provided below. As shown in Figure 15 above, the present invention includes an

automatic transmission cable lever 24 that moves with the shifter lever 20 when engaged by the detent pin 42. However, detent pin 42 moves away from engagement with the automatic transmission cable lever 24 and allows the shifter lever 20 to undergo limited movement in the manual shift mode without no movement of the automatic transmission cable lever 24.

In response to the rejection, Applicant has amended claims 14 and 20 to more clearly recite the various features of the invention. Specifically both claims 14 and 20 now recite a shift release device (a shift release means) that includes a detent pin (a detent means) and an automatic transmission cable lever (an automatic transmission mode selecting means). Claims 14 and 20 further recite that the automatic transmission cable lever is configured and arranged to be selectively engaged and disengaged by the detent pin such that the shift lever moves with the automatic transmission cable lever when the detent pin is engaged with the automatic transmission cable lever and the shift lever moves independently of the automatic transmission cable lever when the detent pin is disengaged with the automatic transmission cable lever.

Clearly, the structure recited in amended claims 14 and 20 is ***not*** disclosed or suggested by Jezewski or any other prior art of record.

It is well settled under U.S. patent law that for a reference to anticipate a claim, the reference must disclose each and every element of the claim within the reference. Therefore, Applicant respectfully submits that claims 14 and 20, as now amended, are not anticipated by the prior art of record. Withdrawal of this rejection is respectfully requested.

Moreover, Applicant believes that the dependent 15-18 are also allowable over the prior art of record in that they depend from independent claim 14, and therefore are allowable for the reasons stated above. Also, the dependent claims 15-18 are further allowable because they include additional limitations. Thus, Applicant believes that since the prior art of record

does not anticipate the independent claim 14, neither does the prior art anticipate the dependent claims.

Applicant respectfully requests withdrawal of the rejection.

Rejections - 35 U.S.C. § 103

In paragraphs 21-29 of the Office Action, dependent claims 3-6, 12, 13 and 16 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Jezewski in view of U.S. Patent No. 5,946,976 (Miyoshi). In response, Applicant has amended independent claims 1 and 14 as mentioned above.

However, the Office Action fails to provide a prima facie case of obviousness because the characterizations stated in the last paragraph on page 11 are not supported by the disclosure of Jezewski. Specifically, the Office Action states of Jezewski that the "automatic transmission shift plate (93) [is] configured and arranged to be selectively engaged and disengaged by the detent pin (99) (engaged when moving, disengaged when in an operating position) such that the shift lever (10/13) moves with the automatic transmission shift plate (93) when the detent pin (99) is engaged with the automatic transmission shift plate (93) . . . ".

As stated at column 4 lines 52-63 of Jezewski, "the lever section 91 (Figure 6) includes a molded body 93, a post 94 secured to the molded body 93, and a handle 94 (Figure 2) secured atop the post 94." Jezewski goes shows clearly in Figure 1 that the pawl 99 (referred to as a "detent pin" in the Office Action) is retained within a slot 23 formed in the post 94. Since the post 94 is secured to the molded body 93, it is impossible for the pawl 99 to be engaged and then dis-engaged from the molded body 93. Further, since the pawl 99 is disposed and supported within the slot 23 of the post 94, and the post 94 and the molded body

93 are secured to one another, the molded body 93 always moves with the post 94 and hence the shift lever or lever section 91.

Therefore, Applicant respectfully asserts that the rejection of dependent claims 3-6, 12, 13 and 16 is in error. As well, since dependent claims 3-6, 12 and 13 depends from allowable amended claim 1 and dependent claim 16 depends from allowable amended claim 14, claim 16 is also allowable.

Prior Art Citation

In the Office Action, additional prior art references were made of record. Applicant believes that these references do not render the claimed invention obvious.

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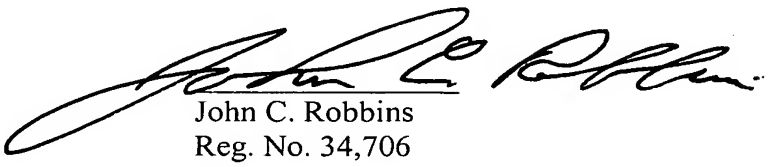
In view of the foregoing amendment and comments, Applicant respectfully asserts that claims 1-18 and 20-21 are now in condition for allowance. Reexamination and reconsideration of the pending claims are respectfully requested.

Respectfully submitted,



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